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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,051	12/29/2004	Joachim Berg	Ruff 53	5080
23474	7590	12/20/2006	EXAMINER	
FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631			SPAHN, GAY	
			ART UNIT	PAPER NUMBER
			3635	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
30 DAYS	12/20/2006	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group I (i.e., claims 1-7) in the reply filed on 29 September 2006 is acknowledged.

Applicant noted that claims 8 and 9 were not addressed in the Restriction Requirement and the examiner acknowledges that claims 8 and 9 should have been included with Group I in the Restriction Requirement.

Claims 9 and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention (i.e., Group II), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 29 September 2006.

### *Response to Amendment*

The reply filed on 29 September 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant has not properly responded to the Election of Species Requirement because although Applicant elected SPECIES I (i.e., Figs. 1-6) from the second group of species and SUBSPECIES I (i.e., Fig. 1 - width-wise elongated U-shaped recess) and listed claims 1, 3, and 5 as being readable upon the elected species, Applicant has not elected a single species from the first group of species (i.e., species of home or workplace item or leisure item).

Therefore, in addition to Applicant's election from the second group of species, Applicant MUST also elect a single species from the first group of species (i.e., species of home or workplace item or leisure item) and subspecies, if appropriate. In other words, Applicant must elect one of:

SPECIES I - Figs. 15-17, 21-23, and 26-27 (i.e., table);

SPECIES II - Figs. 24-25 (i.e., chair w/ backrest convertible to bench);

SPECIES III - Fig. 11 (i.e., combination sofa/bed)

SPECIES IV - Figs. 8-9 (i.e., lighting object)

OR

SPECIES V - Figs. 4-6 and 10 (i.e., bench).

Further, if Applicant elects SPECIES V from the first group of species above, then Applicant must further elect a single SUBSPECIES (i.e., subspecies as to type of leg/support for support unit) from the following:

SUBSPECIES I - Fig. 4 (i.e., straight legs);

SUBSPECIES II - Fig. 5 (i.e., curved legs);

SUBSPECIES III - Fig. 6 (i.e., ironing board type legs);

OR

SUBSPECIES V - Fig. 10 (i.e., support foot).

Applicant must also list the claims readable on the elected species of the first group of species (and the claims readable on the subspecies, if appropriate).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Thursday, 8:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko N. Slack can be reached on (571)-272-6848. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571)-272-1000.

*GAS*  
Gay Ann Spahn, Patent Examiner  
November 22, 2006

Robert Canfield  
Primary Examiner

